



PATENT
8007-1081

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Kazufumi TSUBAKI et al.

Conf. 3635

Application No. 10/519,379

Group 1609

Filed December 27, 2004

Examiner A. Kosar

β -GLUCAN-CONTAINING FAT AND OIL COMPOSITION AND
NOVEL MICROORGANISM CAPABLE OF PRODUCING β -GLUCAN

DECLARATION OF AVAILABILITY AND MAINTENANCE OF MICROORGANISM

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The ADEKA CORPORATION of Tokyo, Japan, assignee of the above-identified application, declares that *Aureobasidium pullulans* ADK-34 (FERM BP-8391), deposited on or about 2002/Jul/11, in the permanent collection at the International Patent Organism Depositary, National Institute of Advanced Industrial Science and Technology, AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan.

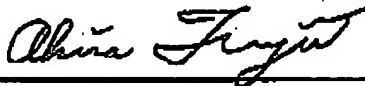
The deposit will be available during the pendency of the above-identified application to one determined by the Commissioner of Patents and Trademarks to be entitled to access thereto under Rule 14 of the Rules of Practice in Patent Cases and 35 USC 122, and that all restrictions on the availability to the public of

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the culture so deposited will be irrevocably removed upon the granting of the patent; that the deposit will be replaced should the culture die during the pendency of the application or during the life of the patent, and that whatever steps needed will be taken to maintain the culture in its above-described accessibility and availability for 30 years in accordance with the Budapest Treaty or for five years after the last request for the deposit at the depository or for the enforceable life of the U.S. patent to issue, whichever is longer.

Akira FUJII declares that he is a representative of the assignee company and is authorized to sign this declaration on behalf of the company. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name



Akira FUJII, Manager, of Patent and Information Group

Date

2008 / Feb / 26